

UNITED STATES DISTRICT COURT

for the
District of Vermont

Jonathan A. Bloom

Plaintiff(s)

v.

Alex Azar, Secretary, United States Department of Health
and Human Services

Defendant(s)

Civil Action No. 5:16-cv-121

JUDGMENT IN A CIVIL ACTION

☐ **Jury Verdict.**

☒ **Decision by Court.**

IT IS ORDERED AND ADJUDGED that pursuant to the court's Opinion and Order (Document No. 50) filed January 29, 2018, plaintiff's Motion for Order Reversing Secretary's Decisions (Document No. 34) and defendant's Motion for Order Affirming Secretary's Decisions (Document No. 35) are GRANTED in PART and DENIED in PART. Plaintiff's motion is DENIED and defendant's Motion is GRANTED with respect to the Medicare Appeals Council's decision dated November 13, 2015 (No. M-15-1505) and the Medicare Appeals Council's decision dated January 27, 2017 (No. M-16-10554). The court lacks jurisdiction to review those decisions and plaintiff's challenge to those decisions is DISMISSED.

Plaintiff's Motion is GRANTED and defendant's Motion is DENIED with respect to the Medicare Appeals Council's decision dated February 24, 2016 (No. M-15-4332). The 2016 decision is REVERSED and the action is REMANDED to the Secretary under sentence of 42 U.S.C. § 405(g), with instructions to authorize coverage for the CGM items at issue.

Date: January 30, 2018

JEFFREY S. EATON
CLERK OF COURT

JUDGMENT ENTERED ON DOCKET

DATE ENTERED: 1/30/2018

/s/ Lisa Wright

Signature of Clerk or Deputy Clerk